

**9:CITY OF WEST DES MOINES  
DEVELOPMENT AND PLANNING  
CITY COUNCIL SUBCOMMITTEE MEETING  
WDM Law Enforcement Center  
250 Mills Civic Parkway  
Large Conference Room**

Monday, April 15, 2019

**Attending:**

Council Member Renee Hardman  
Council Member John Mickelson  
City Manager Tom Hadden  
Deputy City Manager Jamie Letzring  
Assistant City Attorney Greta Truman  
City Attorney Dick Scieszinski

Building Official Rod Van Genderen  
Principal Engineer Ben McAlister  
Development Director Lynne Twedt  
Development Coordinator Linda Schemmel  
Police Chief Chris Scott

Guests: Jenna & Jason Ekstrom, Habitat for  
Humanity

Item #1

The meeting of the Development and Planning City Council Subcommittee was called to order at 8:03 AM.

**1. Single-Family Garage Deed Restriction – Lynne**

Director Lynne Twedt discussed the terms of the single-family garage deed restrictions and provided copies of the garage waiver application and deed restriction. She noted the Plan & Zoning commission preferred a 1-year deed restriction, however staff was concerned that would result in quick flipping to a non-LMI qualified buyer, so Staff recommended a 10-year agreement, which is a typical standard.

Council Member Mickelson inquired if the 1<sup>st</sup> owner would be allowed to sell the home within 10 years if selling to a person who qualified as an 80% LMI. Ms. Twedt stated they would be able to sell to a qualifying individual within the 10 years.

Council Member Hardman suggested a 5-year deed restriction.

City Attorney Dick Scieszinski suggested if they sell the property in the first 5 years to a non-LMI qualified buyer the seller would have to install the garage or pay 100% of the \$20,000. He also suggested that the amount designated for a garage be tied to the Consumer Price Index or the engineering cost index that would increase every 5 years.

Director Twedt clarified the 5-year restriction and whether it would be 5 years from the first sell or 5 years for each buyer.

Council Members wanted each buyer to have the 5-year restriction.

*Direction: Council Members were supportive of the terms of the deed restriction being 5 years with 100% of the \$20,000 or installation of a garage being required if sold to a non-LMI qualified buyer*

**2. Sale of Hemp Products – Linda**

Development Coordinator Linda Schemmel provided background information regarding a proposed business in the Valley Junction Business District intending to sell products containing cannabidiol.

Current regulations in the zoning ordinances require licensing by the State for a permitted use and if it is not licensed as a part of that program it would not be a permitted use. Ms. Schemmel discussed the need for the City to address other vendors that are selling the product as well.

Background information was provided on current federal, state and city regulations and how they could be applied to the sale of products derived from cannabis as an ancillary product for a business and applied to a business whose primary activity is the sale of products derived from cannabis. Ms. Schemmel noted the concerns of the state and federal regulators because no mechanism exists to understand the manufacturing or testing process, resulting in products being sold without knowing how much of the active ingredients or how much THC they contain.

City Attorney Dick Scieszinski stated that the argument from retailers is that cannabidiol is a derivative of hemp and its sale is allowed under the 2018 Farm Bill, which removed hemp from the Controlled Substance Act. However the Act reserved the right of the FDA to control cannabidiol for pharmaceutical and medicinal purposes. He noted that in order to sell cannabidiol for medicinal purposes in Iowa it has to be manufactured by one of two companies approved for manufacturing and licensed by the state as a dispensary for pharmaceutical purposes.

Ms. Schemmel continued discussing the Polk County Attorney's indication to pursue prosecution for THC with no indication regarding prosecution for cannabidiol. Ms. Schemmel mentioned that product could be confiscated and tested to see if it contains THC or cannabidiol and noted that the Council would need to consider if they were supportive of dedicating City resources to that task.

It was proposed that a discussion regarding regulation take place with the Public Safety Subcommittee.

*Direction: Council Members were supportive of Staff sending a letter regarding the potential municipal infraction to the proposed business owner in Valley Junction as well as any other businesses in West Des Moines that may be distributing such products.*

#### **4. Upcoming Projects – A map was provided with a brief description of each.**

- a. 4800 Corporate Dr.: Creation of one 1.05-acre parcel for future development (POS-004268-2019)
- b. Unity Point Clinic (4055 Westown Pkwy): Construction of two-story, 28,600sf medical clinic (SP-004277-2019)
- c. Bridgewood PUD Amendment (120 & 180 Jordan Creek Pkwy): Amend PUD to modify wall signage allowances (ZC-004275-2019)
- d. Petco Pet Hospital (6805 Mills Civic Parkway): Permitted Conditional Use to allow veterinary services in the existing Petco store (PC-004286-2019)
- e. Office at the Galleria (645 S 60th St): One year extension of entitlement relating to site plan approval (OSP-2006-008)

#### **5. Minor Modifications & Grading Plans**


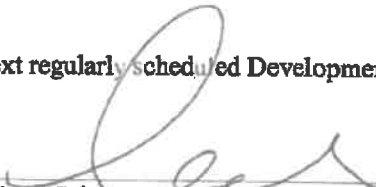
- a. MidAmerican RecPlex (6500 Grand Ave): Acceptance of dirt and rough grading (GP-004262-2019)
- b. Cardinal Lofts (435 S 88<sup>th</sup> Street): Grading of site in preparation for an apartment project (GP-004267-2019)

- c. Jordan Creek Business Park (NW corner of S60th St and Village View Dr): Grading of site to level existing stock piles (GP-004273-2019)
- d. Public Station #21 (3421 Ashworth Rd): Replacement of back-up generator and construction of enclosure (MML1-004276-2019)
- e. 335 5<sup>th</sup> Street: Renovations of a 7,200 sf building for a restaurant with bar and bakery (MML2-004283-2019)

**5. Other Matters**

There were none.

The meeting adjourned at 9:00 AM. The next regularly scheduled Development and Planning City Council Subcommittee is May 6, 2019.

  
Juanita Greer, Recording Secretary  
Linda Schenkel, Development Coordinator